

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Filed: January 29, 2002

David G. Hugley

Group/Art Unit: 2167

Atty. Dkt. No: 5150-64300

PETITION TO THE DIRECTOR UNDER 37 C.F.R § 1.181

Dear Sir or Madam:

This is a petition under 37 C.F.R. § 1.181. Applicant hereby petitions that the Patent Office issue a First Office Action for this Application.

Applicant filed the U.S. Patent Application titled “Patent Marking System” on January 29, 2002, which received Serial No. 10/059,948. On June 14, 2004, Applicant filed a Status Inquiry requesting the status of the matter and did not receive a reply from the Patent Office. On January 14, 2005, Applicant again filed a Status Inquiry and again did not receive a reply to the inquiry.

In a telephone conversation in 2005, Applicant's Attorney, Jeffrey C. Hood, discussed this case with the then current Examiner (believed to be Examiner Jack Choules). The Examiner stated to Applicant's Attorney that he had prepared an Office Action that was favorable to the Applicant, but was then instructed to prepare a "less favorable" Office Action by his superiors.

In a telephone conversation of August 29, 2006, the new Examiner (believed to be Cheryl

Lewis) for this case indicated that a formal request for an Office Action would result in an Action mailed before the end of September, 2006. To date, Applicant has not received a First Office Action for this Application, despite repeated calls to the Examiner. This application has been pending almost 5 years without having received a first Office Action. Applicant respectfully requests that an Office Action be issued in this case.

The Commissioner is authorized to charge the petition fee, if any, to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5150-64300/JCH. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number.

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198
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